IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3157 OF 2003
IN
SUIT NO.1962 OF 2003

Anant M.Sagale ..Plaintiff

Vs.

Mrs.Sushila S.Sanap and Ors. ..Defendants

And

Maharashtra State Co-op.Bank Ltd.
and Ors. ..Respondents

Mr.P.P.Prabhu for the plaintiff

None for the defendants

Ms.Kanchan P.Nalawade i/b Dr.D.R.Talankar for the respondents

CORAM : S.U.KAMDAR, J
DATED : 28TH FEBRUARY, 2006

P.C.:

1. The present notice of motion is taken out for administration of the estate of the deceased Prabhakar Madhavrao Sagale who expired on 10.09.02. The plaintiff is the brother and defendant no.1 and 2 are the sisters. Thus, plaintiff holds 1/3rd share in the property. Defendants are claiming the entire estate on the ground of a will. Probate

Petition is filed. Petitioner has filed a caveat. The said probate petition is converted into suit and the said Testamentary Suit is pending. There is no interim order passed in the said suit according to the plaintiffs.

2. In the present suit, plaintiffs are seeking interim injunction in respect of estate of the deceased namely three flats situated and described in Ex.B to the plaint. Plaintiffs also seeks direction from the respondent nos.2 to 11 about the money which were lying with the said banks in Fixed Deposit and / or other accounts. He also seeks direction that Public Works Department where deceased was an employee also must furnish details of the dues which are payable by the Public Works Department to the deceased as his service dues.

3. Defendants are served. There is no Vakalatnama or affidavit in reply filed on behalf of defendant no.1 and 2. In that light of the matter, I grant interim order an injunction in terms of prayer clause (a) and (c) and also an injunction restraining the defendant no.1 and 2

from alienating, encumbering or creating third party rights in respect of the said three flats described in Ex.E to the plaint. Motion disposed of accordingly. There shall be no order as to costs.

4. Respondent no.2 to 11 are directed to furnish necessary details by filing an affidavit in the present suit within 2 weeks from today.